

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:

)	
Second Periodic Review of the)	MB Docket No. 03-15
Commission's Rules and Policies)	
Affecting the Conversion To)	
Digital Television)	
)	

To: The Commission

**REPLY COMMENTS OF
TRIBUNE BROADCASTING COMPANY**

Tribune Broadcasting Company ("Tribune"), which indirectly owns and operates 26 full power television stations across the country, hereby submits these reply comments in the above-referenced proceeding. Tribune is fully committed to accelerating the DTV transition. Since late 1998 when it signed KTLA's DTV facility on-the-air as one of the so-called early adopters, Tribune has invested over \$50 million in digital transmission facilities for its station group.

Tribune is an active member of both the Association for Maximum Service Television, Inc. ("MSTV") and the National Association of Broadcasters ("NAB") and generally supports the initial comments submitted jointly by MSTV and NAB in this proceeding. These reply comments are submitted by Tribune to focus the FCC's attention on several issues of particular importance to a successful transition.

DTV channel elections: Tribune recognizes the FCC's interest in moving the transition forward by requiring broadcasters with both analog and digital assignments in the core

to choose a final DTV channel. Like the MSTV and NAB, Tribune does not oppose the FCC's proposed channel election deadline of May 1, 2005 *provided* that the FCC finalizes the rules and procedures that will apply after the selections are made and publicizes these rules and procedures well in advance of the May 1, 2005 election deadline.

As noted by the MSTV/NAB initial comments, the creation of these post-transition DTV rules and procedures will be every bit as challenging as the creation of the original DTV table of assignments. For example, the Commission has to consider the coverage and interference impact of migrating 176 stations with out-of-core DTV channels to their NTSC channels. The record generated following the attempts by various Paxson stations to convert their in-core digital assignments to analog clearly establishes that digital and analog allocations are not interchangeable. In addition, the Commission must directly address and resolve the inevitable problems that will arise if too many stations elect to return to their analog channels only to find that the analog spacing rules are not sufficient to prevent significant co-channel DTV-DTV interference. What priorities, if any, will apply in this situation?

These are just some of the issues that the Commission must address as the fluid and complex digital transition moves forward. The Commission faces a similar challenge for the 17 stations with both channels currently out of the core. Will these stations be given some sort of priority in selecting permanent channels, regardless of the interference a particular selection might cause? The Commission must also establish rules for stations that may wish to choose a new channel even if one or more of their current channel assignments is in the core. For example, stations with low-VHF channel assignments may decide to pursue alternative permanent DTV channels. The Commission must also decide if it will allow negotiated agreements between stations whereby a station would either change its permanent channel

election or make a different election in return for consideration from a broadcaster with a co-channel assignment in a nearby market.

Given the complexity and magnitude of this undertaking, Tribune urges the FCC to start the process of establishing the post-transition rules upon the release of the Report & Order in this proceeding. Tribune supports the proposal that this process be a collaborative one in which the industry, lead by MSTV and NAB, works through these complex issues and then presents the results to the Commission for review and approval. If the Commission is set on the May 1, 2005 channel election deadline, it should set firm deadlines to propose, refine and then finalize the post-transition rules at least six months before that deadline so that stations can have sufficient time to make their elections. The failure of the Commission to address these many issues directly will result in either delay or the imperfect selection of permanent channels by many stations, selections that will undoubtedly degrade the level of over-the-air service to the public.

Use-It-Or-Lose-It Deadlines: Tribune concurs with many of the parties that filed initial comments in opposing the so-called use-it-or-lose-it deadlines proposed in the NPRM. As noted by MSTV/NAB, the proposed deadline will do little to advance the DTV transition. The vast majority of the big-4 affiliates in the top-30 markets, plus the stations owned by large group owners like Tribune in those markets, have constructed and are operating full DTV facilities. Pushing stations in smaller markets to build full or maximized facilities will only provide marginal benefits to the transition because the incremental increase in the overall population served by higher-powered stations will be relatively small compared to the population currently receiving this service.

In addition, forcing stations to build full or maximized facilities could exacerbate DTV-into-analog interference problems. As the Commission well knows, there have been several instances in which analog stations experienced far greater than expected interference from DTV stations. The proposed use-it-or-lose-it deadline could very well exacerbate this problem, especially in highly congested areas of the country.

Program and System Information Protocol: Like NAB and MSTV, Tribune urges the Commission to require broadcasters to use the ATSC Program and System Information Protocol (“PSIP”) Standard (A/65B). The PSIP Standard contains important information to allow viewers to access the DTV programming transmitted by broadcasters and will improve channel navigation and identification, closed captioning and content advisories. Action by the Commission now will avoid needless consumer frustration and confusion and will almost certainly help speed up the digital transition.

Distributed Transmissions: Tribune has an ongoing interest in the promise of distributed transmission (“DT”) systems as a way to improve digital television reception, especially indoor reception, by providing a more consistent signal strength across an entire DMA or at least the DMA’s population center. Tribune also recognizes the long term spectrum efficiency that DT systems provide over the current high-powered, single broadcast transmitter model. In fact, Tribune is currently studying the potential implementation of DT in a number of its markets. Unfortunately, the FCC’s current rules have hindered Tribune’s ability to capture the many benefits that DT offer.

Tribune notes that the Merrill Weiss Group (“MWG”) has done an excellent job of identifying the issues and specific rule changes the Commission must consider if it is to allow

broadcasters to implement DT. As part of these comments, MWG notes that if the Commission is serious about allowing broadcasters to use DT, it must give DT transmitters and the service those transmitters provide primary status. Tribune concurs in this assessment; no broadcaster can be expected to implement a DT system if the coverage it generates is not given the same protection that is provided to the coverage generated by a single, maximized transmitter. Tribune also supports the MWG proposal to use the pending ATSC standard as the technical reference for DT hardware implementation.

The MWG comments also identify a series of choices for the Commission to consider in establishing rules that define the protected service area for a station using a DT system. At the outset, Tribune supports a cautious implementation of DT systems by permitting a broadcaster to increase its protected DTV service area using a DT system out to the limit of a theoretically maximized DTV facility using a single transmitter from the station's reference site assuming the highest power and HAAT allowed in the rules. Such an approach would maintain the essential integrity of the FCC's current DTV table and the market structure underlying that table while, at the same time, allowing sufficient room for broadcasters to design and implement effective DT systems.

Finally, the MWG comments identify a number of relatively minor changes to the FCC's interference rules and policies as well as its underlying database that are needed in order to allow DT systems to fit in the Commission's DTV processing regime, including proposals to calculate interference to and from a proposed DT systems and to apply the same 2%/10% interference limit to DT systems. Tribune urges the Commission to fast track these needed procedural changes. An expedited resolution of these and other open issues, along with a clear statement by the Commission that once rules are in place DT equipped facilities will be of

primary nature and will adhere to ATSC guidelines, would allow Tribune and others to continue their evaluation of this most encouraging alternative for DTV transmission.

Conclusion: Tribune urges the Commission not to underestimate the difficult and complex post-transition issues it must resolve before broadcasters can make informed channel elections. Given the serious, long-term competitive implications of these channel elections, the Commission should commit itself to establishing a well-defined, transparent process for determining post-transition channels well in advance of the May 1, 2005 deadline. Tribune is committed to working with MSTV and NAB to help develop these post-transition rules. Finally, Tribune urges the FCC to fast track the minor changes in its rules and broadcast database to enable broadcasters to use Distributed Transmissions systems as they build out their DTV facilities.

Respectfully submitted,

TRIBUNE BROADCASTING COMPANY

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